IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12958 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ANANDKUMAR KANCHANLAL MARJADI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR RS SANJANWALA for Petitioner

MR AKSHAY MEHTA, Ld. CGSC for Respondent

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 20/12/2000

ORAL JUDGEMENT

I have heard Mr.R.S.Sanjanwalla, learned Counsel appearing on behalf of the petitioner. Rule. Mr.Akshay Mehta, Ld. CGSC, appearing on behalf of the respondent waives service of rule.

The petitioner has filed this application for correction of date of birth in the passport. The petitioner was issued an international passport No.U833361 on 6-9-1983. The term of the aforesaid passport has expired and the petitioner has applied for a new international passport. In the earlier passport, the date of birth was erroneously recorded as 30-9-1947. It is submitted by the learned Counsel appearing for the petitioner that in the School Leaving Certificate, the date of birth has been recorded as 30-9-1947, but the Birth Certificate issued by the Registrar, Births and Deaths, Bulsar Municipality indicates that the date of birth of the petitioner as 29-9-1947. The certificate issued by the Valsad Nagarpalika, Valsad District, also shows that the date of birth of the petitioner as 29-9-1947. It is submitted by Mr.Sanjanwalla that the date of registration is recorded as 30-9-1947 in the birth certificate issued by the Bulsar Municipality as well as in the birth certificate issued by the Valsad Nagarpalika. Accordingly the learned Counsel for the petitioner submitted that the date of birth of the petitioner has been erroneously recorded as 30-9-1947 and that is actually the date of registration of the birth of the petitioner. Both the birth certificates issued by the Bulsar Municipality as well as Valsad Nagarpalika show that the date of birth of the petitioner as 29-9-1947. The learned Counsel for the petitioner further submitted that the petitioner approached the respondent Regional Passport Officer, for correcting the date of the birth of the petitioner in the new passport to be issued by the said Authority, but the respondent Authority has declined to correct the earlier date of birth.

Mr.Akshay Mehta, learned CGSC, submitted that if the petitioner submits genuine documents, i.e. the birth certificate from the Local Authority, then the same may be considered and while issuing the new passport, the Authority may make the necessary corrections in the passport to be issued. Accordingly, the petitioner may submit all relevant documents, including the birth certificate issued by the Bulsar Municipality as well as the Valsad Nagarpalika and if such documents are placed before the Authority, then the Authority may consider the same and if the respondent Authority is satisfied, the correct date may be recorded in the new passport to be issued to the petitioner.

If the respondent Authority makes any correction in the passport regarding the date of birth, then the petitioner shall pay a sum of Rs.1,500/- (Rupees one

thousand five hundred only) to the respondent.

With the aforesaid observations and directions, the petition is disposed of. Rule is made absolute to the above extent.

20-12-2000 (P.K. Sarkar, J.)

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